

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 L-03 SSO-00 INRE-00 CAB-02
CIAE-00 COME-00 DODE-00 DOTE-00 INR-10 NSAE-00
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-----018508 241544Z /43
O 241519Z FEB 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 3517

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E.O. 11652: N/A
TAGS: EAIR, US, UK
SUBJECT: CIVAIR: POSSIBLE USE OF UNAPPROVED FARES

REF: (A) STATE 47195; (B) LONDON 3007

1. CIVAIR ATTACHE PHONED BROWN OF UK DEPT. OF TRADE
FEB. 24 TO GIVE HIM REF (A)-PROVIDED DETAILS ON
DEPARTMENT'S INTERVENTION. BROWN, WHO HAD CONFIRMATION
NEITHER TWA NOR PANAM NOW INTEND USE UNAPPROVED FARES,
EXPRESSED GREAT APPRECIATION, SAYING HE FELT SURE THAT
WITHOUT DEPARTMENT'S INTERVENTION TWA AT LEAST WOULD HAVE
PROCEEDED TO IMPLEMENT SUCH FARES.

2. BROWN ALSO APOLOGIZED FOR INACCURATE INFORMATION
REGARDING FILINGS, AN APOLOGY HE HAS ALSO EXTENDED TO
LORD BRIDGES. APPARENTLY IN THE EXCITEMENT THE WORKING
LEVEL LOST SIGHT OF THE FILING AMENDMENTS ASKING FOR
EFFECTIVENESS IN LATE FEBRUARY. HE CAUTIONED, HOWEVER,
THAT THE BASIS OF BRITISH CONCERN WAS NOT FAILURE TO
FILE BUT WHAT WOULD HAVE BEEN FAILURE TO OBSERVE THE
TERMS OF THE AIRLINE'S BRITISH OPERATING PERMIT, WHICH
REQUIRES THAT AN AIRLINE "SHALL CHARGE ONLY THOSE TARIFFS
WHICH HAVE BEEN FILED WITH AND APPROVED BY THE
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UNITED KINGDOM CIVIL AVIATION AUTHORITY." (INCIDENTALLY,
EMBASSY HAS COPY OF FEB. 22 TELEX TO TWA'S PRESIDENT
WHICH IS PRESUMABLY SAME AS THAT IN POSSESSION OF
LORD BRIDGES. TELEX DOES NOT ADDRESS FILING ISSUE IN
ISOLATION, BUT USES A VERSION OF THE PERMIT LANGUAGE.)

3. ACCORDING TO BROWN, THE UK GOVERNMENT SEES THE PERMIT

AS THE MEANS BY WHICH AN AIRLINE COMMITS ITSELF TO ACT IN ACCORDANCE WITH THE TERMS OF THE BILATERAL. HE VOLUNTEERED THAT THE PERMIT SHOULD NOT CONTAIN ANYTHING INCONSISTENT WITH THE BILATERAL AND INDICATED THAT TWA HAD RECENTLY BEEN INVITED TO COMPLAIN IF IT FELT THAT ITS PERMIT DID.

4. COMMENT:

(A) THE EMBASSY BELIEVES THAT BRITISH CONCERN OVER THE THREATENED USE OF UNAPPROVED FARES WOULD NOT HAVE BEEN SENSIBLY DIMINISHED IF ALL INVOLVED HAD REALIZED THAT PROPER FILINGS HAD BEEN MADE. THE REPORTED LACK OF FILING WAS SIMPLY SEEN AS A USEFUL DEBATING POINT.

(B) BRITISH ARE CLEARLY EMBARRASSED BY THEIR MISTAKE, AND IT MIGHT BE USEFUL TO RIB THEM AT AN APPROPRIATE TIME, AS THEY RIB US ABOUT OUR FAILURE SO FAR TO PROVIDE DRAFT PRINCIPLES FOR A MULTILATERAL CHARTER AGREEMENT. TO MAKE TOO MUCH OF IT, HOWEVER, WOULD BE COUNTERPRODUCTIVE.

(C) EMBASSY IS AT LOSS TO UNDERSTAND TWA POSITION REPORTED PARAGRAPH 3 REF (A). NOTICE OF DISSATISFACTION, WHICH WAS PROVIDED, SEEMS ADEQUATE DIPLOMATIC STEP UNDER BERMUDA 2 AND, AS NOTED ABOVE, TWA LIMITED OFFICIAL USE

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PERMIT ALLOWS USE OF FARES ONLY AFTER POSITIVE APPROVAL BY CAA (IN CONTRAST TO PROCEDURE USED, FOR DOMESTIC REASONS, IN US).

BREWSTER

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Message Attributes

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Decaption Note: 25 YEAR REVIEW
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Disposition Approved on Date:
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Disposition Reason:
Disposition Remarks:
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